

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 10, 2006**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Subdivision, Street Dedication and Naming Requests – McKenna Farms off of Old Boonsboro Road**

RECOMMENDATION: Approval of resolution to approve the street dedication and naming requests

SUMMARY: Bruce M. Bentley, Jr. and Linda M. Bentley, represented by Troy D. Williams, Hurt and Proffitt, Inc., are requesting to dedicate a new public street to be named "McKenna Circle," off Old Boonsboro Road in the proposed McKenna Farms Subdivision. The proposed street, with a fifty (50) foot right-of-way, would extend from Old Boonsboro Road in an arc approximately 920 feet to Old Boonsboro Road.

PRIOR ACTION(S):

December 14, 2005: Planning Division recommended approval
Planning Commission recommended approval (7-0)

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/455-3902
Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Subdivision Plat
- Vicinity Map

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING A STREET DEDICATION AND NAMING THE NEW STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the dedication of a new public street, fifty (50) feet in width, off Old Boonsboro Road in the proposed McKenna Farms Subdivision for a length of approximately nine hundred twenty (920) feet to be constructed in compliance with an approved plat, be, and the same is hereby, approved and accepted contingent upon obtaining construction bonds and the recordation of an executed subdivision plat.

BE IT FURTHER RESOLVED THAT the name "McKenna Circle" is hereby approved for the new public street in the McKenna Farms Subdivision.

Adopted:

Certified:

Clerk of Council

004L

To: Planning Commission
From: Planning Division
Date: December 14, 2005
RE: **SUBDIVISION, STREET DEDICATION AND NAMING REQUESTS- RESUBDIVISION OF
MCKENNA FARMS OFF OF OLD BOONSBORO ROAD**

I. APPLICANT

Property Owner: Bruce M. Bentley, Jr. and Linda M. Bentley, 505 New Britain Dr, Lynchburg, VA 24503
Representative: Troy D. Williams, Hurt and Proffitt, Inc. 2524 Langhorne Rd, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of land containing 12.585 acres located on the north side of Old Boonsboro Road, which is off Boonsboro Road. The proposed new road contains 1.096 acres located on the north side of Old Boonsboro Road.

III. PURPOSE

The purpose of the request is to dedicate 1.096 acres for right-of-way for the proposed public street to be named "McKenna Circle" located on the north side of Old Boonsboro Road. The new street would serve 14 newly created lots for residential development.

IV. SUMMARY

- **Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-1, Low-Density Single-Family Residential District.**
- Request agrees with the Zoning Ordinance requirements for rights-of-way dedications.
- Request complies with City Code Section 35.105 requirement that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."
- Some of the lots may require a pumping system rather than gravity flow to achieve sewer service. If a lot(s) cannot be served by either a gravity flow or pumping system, the plat would have to be resubmitted showing a new configuration of the lots. Unless there are significant changes to the road system or number of lots, the subdivision, street dedication and naming requests would not have to be resubmitted for Planning Commission and City Council review and approval.

The Planning Division recommends approval of the public street dedication and naming requests.

V. FINDINGS OF FACT

1. **Background.** Troy D. Williams, Hurt and Proffitt, Inc., is requesting to dedicate 1.096 acres for right-of-way for the proposed public street to be named "McKenna Circle" located on the north side of Old Boonsboro Road, which is off Boonsboro Road. The proposed street, with fifty (50) feet of right-of-way, would extend from Old Boonsboro Road in an arc approximately 920 feet to Old Boonsboro Road.
2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the subdivision, street dedication and naming requests.
4. **Proposed Use of Property.** The new street would serve 14 newly created lots for residential single-family development.
5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a preliminary subdivision plat on November 1, 2005. The TRC noted the need for several revisions, most of which

are minor in nature and which are expected to be resolved by the petitioner prior to the approval of a final plat. The TRC had the following comments of significance to the consideration of the requested subdivision, street dedication and naming:

- The Traffic Engineer suggested that the original suffix name of "Court" be changed to "Circle." The Fire Marshal, the Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager found that the proposed street name does not conflict with any existing street names.
- "All lots may not be served by gravity sewer. The site design engineer must assure that all lots can be served by either gravity or pumping and submit road-water-sewer plans to Engineering Division for review."
- "Public utilities will need to be extended to serve the subject property."
- "Road, water and sewer plans are to be submitted separately to the Engineering Division for review."
- "Curb and gutter will be required."

The Public Works Department, Engineering Division commented that some of the lots may require a pumping system rather than gravity flow to achieve sewer service. If a lot(s) cannot be served by a gravity flow or pumping system, the plat would have to be reconfigured to provide buildable lots. Unless there are significant changes to the road system or number of lots, the subdivision, street dedication and naming requests would not have to be resubmitted for Planning Commission and City Council review and approval.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street to be named "McKenna Circle," with fifty (50) feet of right-of-way, approximately 920 feet in length, to be constructed in substantial compliance with the plat by Hurt and Proffitt, Inc., dated October 12, 2005. The dedication of McKenna Circle and its acceptance as a public street is contingent on Bruce M. Bentley, Jr. and Linda M. Bentley filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of McKenna Circle as a public street null and void.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Mr. Troy D. Williams, Representative

VII. ATTACHMENTS

1. "Plat Showing Resubdivision of McKenna Farms"

(see attached plat by Hurt and Proffitt, Inc., dated October 12, 2005)

Minutes from the December 14, 2005 Planning Commission meeting. These minutes have been reviewed, but not approved by the Planning Commission.

The purpose of the request is to dedicate 1.096 acres for right-of-way for the proposed public street to be named "McKenna Circle" located on the north side of Old Boonsboro Road. The new street would serve 14 newly created lots for residential development.

Mr. Tom Martin, City Planner, explained that the subdivision was allowed by right, and had larger lots than required by the City. He said the only concern with the subdivision was the fact that some of the lots needed to have a pumping stations in order to be sewerred.

Mr. Troy Williams, Hurt and Proffitt, Inc., represented the petitioner. Mr. Williams explained that an engineer from Hurt and Proffitt had met with Mr. Jim Talian, Engineer with the City of Lynchburg, to discuss the sewer concerns. He said the plan for the lots was to be pumped into a gravity sewer, which would fall along the proposed road. Mr. Williams noted that the distance from the corner of Scenic Drive to the existing sewer was approximately eight hundred (800) feet.

Commissioner Pulliam questioned the proposed street name stating that he thought there were other streets in the City with very similar names.

Mr. Martin stated that the Fire Department, Emergency Communications, nor the Post Office had any concern with the name as suggested by the petitioner.

Commissioner Bacon asked if there would be street lights and if the wiring would be underground.

Commissioner Flint asked if the forced main would be shared or pumped into a common forced main.

Mr. Williams confirmed that all of the utilities would be underground, and added that all sewer lines would be separate. He explained that each line would go individually into the sewer line like the normal gravity line coming into the sewer system, and would discharge into a manhole. He said the maintenance of the pumps would be left to the owner of the lot.

After discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Pulliam and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the dedication of the public street to be named "McKenna Circle," with fifty (50) feet of right-of-way, approximately 920 feet in length, to be constructed in substantial compliance with the plat by Hurt and Proffitt, Inc., dated October 12, 2005. The dedication of McKenna Circle and its acceptance as a public street is contingent on Bruce M. Bentley, Jr. and Linda M. Bentley filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of McKenna Circle as a public street null and void."

AYES:	Bacon, Barnes, Dahlgren, Flint, Hamilton, Pulliam, Worthington	7
NOES:		0
ABSTENTIONS:		0